IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 12327 of 2007(P)

OPMV.24/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR

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PETITIONER:

V.MOHAMMEDKUTTY S/O.KUNHIMOIDEEN,
VALLIL HOUSE, IRINGALLOORR P.O. VENGARA,
TIRURANGADI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

THE NATIONAL INSURANCE CO.LTD., DO II,
PBV NO.811, NOOR COMPLEX, MAVOOR ROAD,
PO KOZHIKODE, REPRESENTED BY THE ASSISTANT MANAGER
THIRD PARTY CLAIMS CELL, NATIONAL INSURANCE CO.LTD
AJAY VIHAR, M.G.ROAD, ERNAKULAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.12327 of 2007

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Dated this the 19th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P2 order of the Motor Accidents Claims Tribunal, whereby the Tribunal refused to disburse the balance amount kept in fixed deposit out of the award amount awarded to the petitioner. Petitioner's contention is that he wants the amounts for obtaining artificial limb. However, on a perusal of Ext.P2, I find that he had no such contention before the Tribunal. In paragraph 4 of Ext.P2 order, the Tribunal states thus:

> "4. It is stated in the affidavit filed along with the petition that the petitioner has got no job or income and that if the amount is released in his favour he can make use of that amount for his livelihood. It is not stated in the affidavit for what specific purpose the petitioner intends to use the amount of Rs.3,13,361/- and the interest accrued thereon. The details in this regard are not stated in the affidavit."

2. If the petitioner does not have a job or

income I am of opinion that it is in the best interest of the petitioner that the amount continues to be in fixed deposit and he is paid interest from that deposit, which only has been directed by the Tribunal. Therefore, I do not find any merit in the writ petition and accordingly the same is dismissed. However, this shall not preclude the petitioner from making further application, if the petitioner needs money for artificial limb by producing appropriate proof of the same.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.